

ADMINISTRATIVE PANEL DECISION

Curio Brands, LLC v. Retha Wassermann
Case No. D2025-4006

1. The Parties

Complainant is Curio Brands, LLC, United States of America (“United States”), represented by Fredrikson & Byron, P.A., United States.

Respondent is Retha Wassermann, United States.

2. The Domain Names and Registrar

The disputed domain names <thymess.com>, <thymesus.com>, <thymes.world> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 30, 2025. On October 1, 6, and 14, 2025, the Center transmitted by emails to the Registrar requests for registrar verification in connection with the disputed domain names. On October 2, 6, and 15, 2025, the Registrar transmitted by emails to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (John Doe) and contact information in the Complaint.

The Center sent an email communication to Complainant on October 28, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on October 28, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on October 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on November 29, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on December 5, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant manufactures and retail sells bath and body products, candles, cleaning products, and home fragrances. Complainant, or its predecessors, have utilized the Thymes brand since 2005 in connection with candles and other fragranced goods. Complainant is the owner of trademark registrations in the United States and other countries including "thymes" as an element of the mark (the "THYMES Marks") as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
THYMES	United States	3, 4	3,288,716	September 4, 2007
THYMES (Design)	United States	3, 4	3,308,432	October 9, 2007

The disputed domain names were registered between September 2 and September 22, 2025. Between registration of the disputed domain names and the filing of the Complaint, the disputed domain names resolved to websites displaying images of Complainant's goods or counterfeits of Complainant's goods, many of which are protected by other trademarks registered and owned by Complainant, that were designed to mimic Complainant's own website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainant contends that it has rights in the THYMES Marks, and that the disputed domain names are identical to or confusingly similar to THYMES Marks because the disputed domain names include the entirety of the THYMES Marks. The disputed domain name <thymes.world> is identical to the THYMES Marks. In the case of the disputed domain name <thymesus.com>, the term "us" is added to the end of the THYMES Marks. In the case of the disputed domain name <thymess.com>, the term "s" is added to the end of the THYMES Marks.

Complainant contends that Respondent has no right or legitimate interests in the disputed domain names because the disputed domain names promote or suggest a connection or relationship between Respondent and Complainant where none exists. Complainant has not authorized Respondent to register or use the disputed domain names or to provide any goods or services for Complainant. Complainant contends that the unauthorized registrations of the THYMES Marks in the disputed domain names undermine any claim of bona fide use that Respondent could make. Complainant contends that Respondent chose the disputed domain names to trade off the reputation of Complainant and that Respondent has no legitimate non-commercial or fair use reason to use the THYMES Marks in the disputed domain names.

Complainant contends the disputed domain names were registered and are being used in bad faith because Respondent, by using the disputed domain names, and creating a likelihood of confusion with the THYMES Marks as to the source, sponsorship, affiliation, or endorsement of Respondent's goods, Respondent has intentionally attempted to attract visitors to its website or location for commercial gain.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Consolidation: Multiple Domain Names

The amended Complaint was filed in relation to different domain names. Complainant alleges that the domain name registrant for each of the domain names is the same entity. Complainant requests the consolidation of the Complaint against the multiple disputed domain names pursuant to paragraph 10(e) of the Rules.

Respondent did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that Respondent is listed as the registrant of each of the disputed domain names and the website to which the disputed domain names have resolved are substantially similar to one another.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the three different disputed domain names in a single proceeding.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are identical or confusingly similar to the THYMES Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the added term "us" and the added term "s," may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the THYMES Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, sale of counterfeit goods and impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent has essentially copied the look of Complainant’s website, including images of Complainant’s goods, copying text, and using numerous trademarks registered and owned by Complainant. Clearly, Respondent was aware of Complainant’s rights at the time the disputed domain names were registered and used the disputed domain names in an attempt to create a likelihood of confusion with the THYMES Marks as to the source, sponsorship, affiliation, or endorsement of Respondent’s goods in an attempt to attract visitors to its website for commercial gain.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here, sale of counterfeit goods and impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <thymess.com>, <thymesus.com> and <thymes.world> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: December 15, 2025